

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>RAPHAEL DWIGHT HUNDLEY,</b>	:	<b>CIVIL ACTION NO. 1:12-CV-790</b>
<b>Petitioner</b>	:	
	:	
v.	:	<b>(Judge Conner)</b>
	:	
<b>WARDEN MONICA RECTENWALD,</b>	:	
<b>Respondent</b>	:	

**ORDER**

AND NOW, this 18th day of September, 2012, upon consideration of the Report and Recommendation of United States Magistrate Judge Thomas M. Blewitt (Doc. 5), recommending that petitioner's second cause of action be dismissed without prejudice, and, following an independent review of the record and noting that petitioner filed objections<sup>1</sup> to the report on August 20, 2012 (Doc. 7), and the court finding Judge Blewitt's analysis to be thorough and well-reasoned, and the court finding petitioner's objections to be without merit and squarely addressed by Judge Blewitt's report (Doc. 5), it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Blewitt (Doc. 5) are **ADOPTED**.
2. Petitioner's claims for medical negligence under the FTCA (Second Cause of Action) are **DISMISSED** without prejudice.
3. The above-captioned case is **REMANDED** to Magistrate Judge Blewitt for further proceedings and the directing of service of the habeas petition on respondent.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge